

UNITED STATES OF AMERICA  
NATIONAL TRANSPORTATION SAFETY BOARD  
OFFICE OF ADMINISTRATIVE LAW JUDGES

\* \* \* \* \*  
In the matter of: \*  
\*  
METROLINK TRAIN NO. 111 \*  
COLLISION WITH UNION PACIFIC \*  
RAILROAD LEESDALE LOCAL, \* Docket No.: DCA-08-MR-009  
September 12, 2008, \*  
Los Angeles, California \*  
\* \* \* \* \*

Interview of: MARK CHALLED

National Transportation Safety Board  
Courtroom  
1515 West 190th Street  
Gardenia, California

Thursday,  
September 25, 2008

The above-entitled matter came on for interview  
pursuant to notice.

BEFORE: TED TURPIN

## APPEARANCES:

TED T. TURPIN  
National Transportation Safety Board

DAVE WATSON, Senior Investigator  
National Transportation Safety Board

STEPHEN T. DAWSON, Safety Coordinator  
United Transportation Union

JAY J. ELLIS, Operating Practices Inspector  
State of California  
Public Utilities Commission  
Rail Operations Safety Branch

W.R. (BILL) DESKIN, Operating Practices Inspector  
Federal Railroad Administration

TED FRITZ, Transportation Manager  
Connex/Metrolink

I N D E X

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P R O C E E D I N G S

INTERVIEW OF MARK CHALLED

BY MR. TURPIN:

Q. We'll start right here with the interviewee. If you'll state your name and spell it please?

A. Okay. Mark Challed, spelled M-a-r-k, last name is C-h-a-l-l-e-d.

Q. And your employer?

A. Connex Railroad.

Q. And your title?

A. System General Road Foreman of Engines.

Q. Okay. And explain your job position and responsibilities.

A. Okay. The way it's described is that I'm in charge of all the locomotive engineers. But really what I do is check-riding guys that have come to us from other railroads that already have certificates. And so I'm the eyes of the corporation as far as, you know, where they're at, you know, their previous training and everything else, and to see how they're handling the train. And I evaluate all their performances.

Also, there's one of the crew base managers that isn't a DSLE, so his crew base has to have guys check -- check-ride their guys, you know, twice a month -- or twice a year. So I am doing that guy.

1           And then whatever other stuff I do, emergency  
2 response for fatalities, incidents. I also fill in for a  
3 couple of crew managers when they go on vacation. I'm the  
4 guy -- I end up going to the crew base and filling in that way.  
5 So -- there's other stuff, but that's basically what I do.

6           Q.    Okay. So you cover the entire Metrolink property?

7           A.    That's correct.

8           Q.    Okay. Were you familiar specifically with the  
9 engineer in this accident?

10          A.    Yes, I knew him.

11          Q.    Had you taken any check-rides with him?

12          A.    Yes.

13          Q.    When was the last time?

14          A.    The last time was January 24th of this year.

15          Q.    Okay.

16          A.    Well, there was -- it was -- it was just -- I must've  
17 been qualifying another guy that particular day because what I  
18 did is I rode down on 600, which leaves Los Angeles, goes to  
19 Oceanside, and I must've been in a position where I could  
20 actually check-ride him for the first half of this year. So I  
21 decided to get him -- get him done.

22          Q.    Okay. And in that check-ride, any exceptions taken  
23 or any --

24          A.    No. No, there's no exceptions. He did, he did well.  
25 He, you know, complied with the delayed in block and reduced

1 the speed for signals requiring reduction in speed. I can't  
2 think -- I can't see anything that's out of the ordinary or  
3 something I'd take an exception to.

4 Q. Okay. How often do the engineers need a check ride?

5 A. The law is once a year, but what we do is we do it --  
6 we try to do it every six months. We do it in the first half  
7 of the year and the second half of the year.

8 Q. Okay. Now, would you maintain those records at the  
9 Connex or would you submit those to Metrolink?

10 A. What we do is we have a central place at Connex that  
11 everybody faxes their 175's to. It's Tommy's secretary, Sue  
12 Ralston. But I don't know whether or not we share those -- I  
13 don't know whether or not we share that information with the  
14 agency, Metrolink itself.

15 Q. Okay. I think we have a witness coming who would be  
16 able to explain the process.

17 When was the last that -- or have you ever observed  
18 the conductor that was on this train?

19 A. Observed him actually working? Probably was the day  
20 I showed up to help work with the fatalities out in the valley.  
21 It was July 26th, I think that's the date, I don't know.

22 Q. And what interaction did you have with the conductor  
23 at that time?

24 A. To determine whether or not he was okay to continue  
25 for the rest of the day; listen to him make the announcements,

1 you know; had to interact with him obviously because Sanchez  
2 asked for relief at that point. So, what I did is I was able  
3 to take the train from that point into -- I think we took it  
4 into Los Angeles Union Passenger Terminal.

5 And Bob was able to, you know, call the signals and,  
6 you know, work with me and interact with me to tell me, you  
7 know, when it was time to move the train, that sort of thing.

8 Q. Okay. Do you participate in the operating testing  
9 program, efficiency testing program?

10 A. Yes.

11 Q. And do you have a minimum number of tests you're  
12 required to perform each month?

13 A. Yes.

14 Q. And that number is?

15 A. Fifty.

16 Q. Fifty. Are you required any specific rules or tests  
17 to be performed?

18 A. Well, the majority of the testing that I end up doing  
19 to satisfy that number -- I mean, there's obvious requirements  
20 when you're check riding a guy. We want to see that they do  
21 certain things, that they fault a delayed in block, that they  
22 do reduction in speed, that they're calling the signals, you  
23 know, that sort of thing.

24 I -- but as far as to satisfy that, I can't think of  
25 anything that specific. I just -- things that have to with the

1 operation of the train.

2 Q. If you observe a rules violation, how do you act on  
3 that?

4 A. Well, it depends on how serious it is. There might  
5 be time to address it right then and there and there might be a  
6 situation where I might have to call them aside later and talk  
7 to them, you know, one-on-one so it doesn't seem like I'm, you  
8 know, singling them out, you know, just start yelling at them,  
9 that sort of thing.

10 Q. Okay. Would you enter that as an efficiency test?

11 A. Yes. That or as a failure, yes.

12 Q. So, any rule violation that you can observe or see  
13 or -- what are you -- I mean, we used to get in a testing mode.  
14 With efficiency tests, we'd record those.

15 A. Right.

16 Q. But on a day when we're not efficiency testing, we  
17 might observe a rules violation and correct it, but it may not  
18 note as an efficiency test.

19 A. I can't say a hundred percent that I would record  
20 every single, you know, violation, but I'd say it -- from my  
21 experience, the things that are notable have been so rare that,  
22 you know, it's not something I would say that, you know, I'm  
23 not recording violations. So --

24 Q. Okay. We're asking specifically the circumstances  
25 around this train as far as some rules application. And we



1 need -- we're trying to understand that -- we know this train  
2 came in on a flashing yellow and a hard yellow, stopped at the  
3 station, okay? We need to know what rule applies, or in your  
4 mind, what rule applied to that train at that time.

5 A. At that point, if you can see the signal, you can  
6 proceed prepared to stop for the next signal. That's what he,  
7 you know -- if that's the signal configuration that he  
8 received, then that's what he should've done. He should've --  
9 if you can see the next signal, then he proceed prepared to  
10 stop at the next signal.

11 Q. At the next?

12 A. At the next signal. Because he's already gone by the  
13 hard yellow. He stops at the station.

14 Q. Right.

15 A. And then they look to see if they can see the next  
16 signal.

17 Q. Okay.

18 A. And if they can see it, then they can proceed  
19 prepared to stop at the next signal.

20 Q. What would be his speed?

21 A. No more than 40.

22 Q. Okay. Because of the yellow signal, or for some  
23 other rule?

24 A. I might be getting it confused. I don't know if our  
25 rules require them to go 40 or if they just have to proceed

1 prepared to stop.

2 Q. Okay. We've set down that the -- and Rick -- Rick,  
3 the previous interview, the engineer's required to call the  
4 signals. Our question now is the conductor's responsibility in  
5 connection with those signals being called. Do you know what  
6 that is?

7 A. At a station stop, if you can see the next signal,  
8 he's supposed to relay that to the engineer. Say that, you  
9 know, what he's saying is that I can see that signal and this  
10 is the color it is, you know? And he's also supposed to say  
11 what the preceding signal was as a reminder to the engineer,  
12 you know, like where they're at.

13 And then he's supposed to repeat any -- while the  
14 train's in motion, he's supposed to repeat any signal less than  
15 clear on the radio. So, if the engineer says, okay, we've got  
16 a flashing yellow, you know, at whatever point then the --  
17 you're supposed to get some sort of communication back from the  
18 conductor that says, yeah, I understand.

19 You know, that's where we're at and that's what we're  
20 working on because it's part of the communication. He's not  
21 going to -- in our configuration, there's no way for him to see  
22 that signal while the train's in motion. So he's reliant -- at  
23 that point, he's relying on the engineer to give him any  
24 information about where they're at, and he should be able to  
25 know where they're at by looking out the windows, but he's

1 going to -- he won't know the signals unless he hears from the  
2 engineer.

3 Q. Okay. And we understand the conductor does -- is not  
4 required to respond to the green signal.

5 A. Yes. I've worked with -- I've been on some trains  
6 where the conductor will, you know, either repeat every signal  
7 that you call out. Or he'll click the handset to say, yeah,  
8 okay, I heard -- you know, I heard the clear, that sort of  
9 thing.

10 Q. As a general rule, the engineers, they call all  
11 signals? Do you see that -- as a solid practice?

12 A. Yeah, I -- my experience has been in the situations  
13 where we've tested other trains or I've been on -- well, it's  
14 kind of a catch-22. If you're on the train, the guy's going to  
15 be calling every signal. So, it's -- you know, my experience  
16 has been the majority of cases that they're calling every  
17 signal.

18 Q. You ride back on the train too, don't you?

19 A. It's pretty rare, but I'll do it every once in  
20 awhile. It depends on whether or not I had a handset or I can  
21 be in a position where I can actually hear what's going on.

22 Q. Okay. I -- this is kind of difficult, but I had a  
23 question earlier that if you're operating at track speed and  
24 you're the conductor on the train, how do you know that the  
25 engineer is not getting greens?

1           A.    I don't think he -- I don't think there's any way for  
2 him to know.

3           Q.    Okay.  But he would have an idea where the signals  
4 are.  What's his responsibility to say like, hey, engineer,  
5 you're not calling the signals?  Do --

6           A.    The rules require that at the next point where the  
7 train stops, he's supposed to confer with the engineer and find  
8 out, you know, like what color are we running on?  Why aren't  
9 you calling the signals?

10          Q.    Okay.  All right.

11          A.    So that's part of their requirements.

12          Q.    Basically at the next station stop, though?

13          A.    Yes.

14          Q.    Okay.  And the -- you -- could you paraphrase the  
15 guideline for the use of cell phones by operating crews?

16          A.    The rule that we had in place was that we told the  
17 engineers that if they cell phone, it's supposed to be off and  
18 in their bag.

19                And the conductors -- I can't recall that there was  
20 anything about their own personal cell phones, but obviously  
21 the cell phones that were provided by the agency, they were  
22 supposed to use those for business.  They're supposed to, you  
23 know -- if they need to call the dispatcher or, you know, a  
24 manager needs to get a hold of them or they need to call  
25 somebody regarding, you know, some operation of the train.

1 Let's say the train gets stopped somewhere and they're having  
2 mechanical difficulties. They use their phone and call  
3 somebody.

4 And we basically told the engineers at that point,  
5 that, you know, if you were stopped somewhere and you were  
6 having mechanical problems and the conductor was doing  
7 something else, you turn your phone on and call and get  
8 assistance, you know, that sort of thing while the train was  
9 stopped.

10 But the -- once that situation was completed, they  
11 are, you know, to turn the phone off and put it in their bag,  
12 put it away, so --

13 Q. Had you ever observed an engineer inappropriately  
14 using their phone?

15 A. I don't think I ever saw somebody actually do it in  
16 violation of our rules.

17 Q. Okay. We'd heard earlier that someone was in the cab  
18 and the phone rang. Have you ever been in the cab and  
19 somebody's cell phone rang?

20 A. Yeah, but it was down in their bag.

21 Q. Yeah. You didn't take exception to that?

22 A. I can't remember that I did, I mean, because it  
23 was -- you know, it's supposed to be off and in their bag, but  
24 you know, their bag was in some position where they'd have to  
25 dive across the cab to get it. And the guy didn't make a move

1 for the phone, so I just figured he forgot to turn his phone  
2 off.

3 Q. Okay. I was told earlier that the radio mechanisms  
4 for the locomotive engineer, actually there's two different  
5 types of hang-ups for the handset. One has a physical button  
6 and one has a magnetic relay.

7 A. I'm not familiar with what makes that thing work.

8 Q. Okay. Well, my point was that if the phone handset  
9 is removed, sometimes the magnetic connection is not nullified  
10 as a negative thing and the engineer has to physically override  
11 so that the handset will then function again.

12 A. We had requested from the mechanical contractor,  
13 Bombardier, to make it so when they hung up the handset or when  
14 they removed it, that it didn't turn off the radio.

15 Q. Um-hum.

16 A. We wanted to -- we wanted to take that, you know,  
17 off. And to my knowledge that they'd completed all that work.  
18 And I don't know if -- there may be some cab cars that, you  
19 know -- it's really only on the cab cars, but there may be some  
20 cab cars where there may be a couple of them still running  
21 around where -- there may be some situation where if you shove  
22 it all the way down into handset that it contact-to-contact and  
23 it would turn the radio off.

24 But the cue would be that the light on the radio, on  
25 the left hand side would go out. And so, the engineer would

1 know that the radio is -- like, if he picks up the handset,  
2 it's not going to transmit.

3 Q. Okay. But it's unlikely on this particular model  
4 that that radio was even equipped with that?

5 A. It's -- I just can't remember locomotives ever being  
6 configured that way.

7 Q. Okay.

8 (Pause.)

9 MR. TURPIN: I think I'll pass it around the table at  
10 this time. Anybody have any other questions?

11 MR. FRITZ: No questions.

12 BY MR. DESKIN:

13 Q. Bill Deskin. Mark, how many DSLEs are there in the  
14 Los Angeles area?

15 A. For our -- our workgroup?

16 Q. Yes.

17 A. I'd have to count them. I think it would be easier  
18 to figure out how many guys aren't. There's two managers that  
19 aren't DSLEs, Bud McDade and Mike Hyman.

20 Q. Todd?

21 A. Todd Penny is not a DSLE either.

22 Q. And --

23 A. We just recently hired him.

24 Q. How about Danny?

25 A. Danny is a DSLE.

1 Q. And Anthony?

2 A. Is a DSLE, previously certified from Amtrak at some  
3 point. So, let's see --

4 (Pause.)

5 A. It's got to be eight. Just right off the top of my  
6 head doing the math, I'd say there's eight.

7 Q. Okay.

8 A. Seven or eight.

9 Q. So the only crew base manager that's not a DSLE would  
10 be --

11 A. Mike Hyman.

12 Q. -- Mike Hyman.

13 A. That's correct.

14 Q. So, Rick Dahl is a DSLE?

15 A. That's correct.

16 Q. Now, you said you -- when you did your last check  
17 ride with Mr. Sanchez, you did it not on his district, but  
18 another district?

19 A. Yeah, he -- it was near the end of last year he bid  
20 on a job that worked out of Los Angeles and went from LA to  
21 Oceanside, from Oceanside to Riverside, from Riverside to  
22 Oceanside, and then back to Los Angeles.

23 And I was also -- he also needed to re-familiarize  
24 himself with that route and I was able to ride with him on  
25 the -- on those particular trains. It was October 25th, 2007.



1           But yeah, you're right, it was not Rick's -- that was  
2 not Rick's territory.

3           Q.    Well, do you also take care of the 240 requirements  
4 for locomotive engineers are far as required testing? The stop  
5 tests, etc.?

6           A.    Well, everybody that is a DSLE, they take care of  
7 those particular items.

8           Q.    Well, how frequent would you say calls are made to  
9 these conductors over their business phones on a daily basis?

10          A.    It would be hard to say. I would think it would be  
11 infrequently, but depending on the scenario. I was called to  
12 an incident yesterday where -- I mean, the train was stopped  
13 obviously, but the guy was on the phone pretty much the whole  
14 time. But it's -- that wouldn't really affect the operation of  
15 the train because the train stopped. So it --

16          Q.    Well, that -- what I really meant was on moving  
17 trains.

18          A.    On a moving train?

19          Q.    I mean, what would -- what would bring about a call  
20 to a conductor on a moving train?

21          A.    The dispatcher wouldn't necessarily call them on  
22 their phone to give them a restriction. They'd use the radio.  
23 I really can't think. I mean, unless he needed to actually  
24 talk to the conductor for some reason, I can't think that  
25 they're using that phone that often. I just -- I can't think

1 of that many scenarios.

2 Q. Well, do -- would you take exception to the conductor  
3 being in the cab car with the engineer and using his phone?

4 A. My experience with that is what they'll do is if they  
5 get a call or something, they'll turn and walk away from that  
6 area just so it's not disturbing the engineer.

7 Q. But would you take exception if he was in there,  
8 standing next to the engineer?

9 A. If he stood there and continued to talk, yes, I  
10 would.

11 Q. Okay. And would you take exception if he called the  
12 dispatcher and requested, say, track and time or joint track  
13 and time over the telephone rather than using the radio?

14 A. I'd rather have them use the radio. I mean,  
15 unless -- I wouldn't take exception to it. I might say -- to  
16 have everybody a part of that process. Obviously, the guy that  
17 has to operate has to rely on what the conductor heard on the  
18 phone. So it kind of takes half the crew out of the loop --

19 Q. That's my next question.

20 A. Well, I would prefer that everybody be in the loop at  
21 the same time.

22 Q. In case somebody makes a mistake?

23 A. Right. In case there's -- you know, somebody says  
24 east or west or, you know, there's some misunderstanding about  
25 what they're exactly doing.

1           MR. DESKIN:  Okay.  That's -- I think that's all I  
2 need for right now.

3           BY MR. ELLIS:

4           Q.  Jay Ellis.  Back on the conductor's phone, what is it  
5 used for?  I mean, why do you guys issue a conductor a phone?

6           A.  There's scenarios where they have to get in touch  
7 with either the dispatcher or a manager or something like that  
8 and they're unable or they can't do it through the radio, or  
9 the dispatcher's busy talking to somebody else.

10          Q.  So it's just for a backup type of communication that  
11 they're not required to like call in a place and say we left  
12 this station or --

13          A.  No.

14          Q.  -- delayed or --

15          A.  No, the delay is kept on the delay report, which is a  
16 written document that's -- they fax it at the end of their  
17 shift.

18          Q.  Okay.

19          A.  So --

20          Q.  That's it.

21          A.  Okay.

22                 MR. DAWSON:  No questions.

23                 MR. TURPIN:  All right.

24                 BY MR. WATSON:

25          Q.  Let me predicate this for the record on the car tow.

1 A. Yes, we've had previous discussion regarding that.

2 Q. And I don't understand the delay in the block stuff  
3 here. So, the system road foreman, you obviously got  
4 locomotive experience?

5 A. That's correct.

6 Q. Okay. Can you run down for me where you started hog  
7 heading and how you got to where you're at?

8 A. Okay.

9 Q. Just experience.

10 A. As far as being an engineer?

11 Q. Yeah.

12 A. I was trained as an engineer by Southern Pacific and  
13 worked there for two years as a -- as a certified locomotive  
14 engineer. Then I came to Amtrak in 1998, and what they said  
15 was that they needed help at Metrolink, which was one of their  
16 contracts at the time. And so I was certified on that  
17 territory and basically never left. I worked there as an  
18 engineer for two years and then I've been a road foreman since  
19 2000.

20 Q. On Metrolink?

21 A. That's correct.

22 Q. And during the Amtrak time, did you run intercity?  
23 Did you run --

24 A. No, I never worked for Amtrak proper. I mean, I just  
25 worked -- I worked for the corporation itself, but I worked

1 only on Metrolink trains.

2 Q. Okay. And the reason I asked that is delayed in the  
3 block, okay, is the delayed in the block rule because it's  
4 different from what I understand, you know.

5 A. Okay.

6 Q. I wondered if you had experiences on other places you  
7 had operated with different application of delayed in the block  
8 type assistance. Have you?

9 A. Do you mean is the application of the rule  
10 consistent?

11 Q. No, no, no. Not that they do what they're supposed  
12 to but that the other places seem to do it different. Did --  
13 did -- did the SP have a different way of applying delayed in  
14 the block?

15 A. (Pause.)

16 Q. I'm not trying to trick you. Hold up, stop.

17 A. I was thinking about an emergency order 20 or --

18 Q. Yeah. Let me tell you what I understand.

19 A. Okay.

20 Q. Here a guy comes in, got a flashing yellow --

21 A. Okay.

22 Q. -- coming to a hard yellow, got a yellow, comes to  
23 the station, stops at a hard yellow at the station, looks down  
24 the next signal, sees something.

25 A. Right, whatever he sees, he proceeds on.

1 Q. Yeah, then -- yeah. So if he sees a clear down  
2 there, he's good to go at track speed?

3 A. That's correct.

4 Q. He's good to go at --

5 A. Right.

6 Q. -- 70 mph?

7 A. He's no longer limited to what signal he would -- was  
8 previously operating under.

9 Q. Okay. I've had other places where it's different.

10 A. That's true.

11 Q. Where when you would come in, it was the last --

12 A. There --

13 Q. It was the hard yellow that you would come in on that  
14 would govern you until you got to the --

15 A. That's correct.

16 Q. Okay.

17 A. There were some railroads where they had to -- you  
18 had to operate on the previous signal until -- no matter what  
19 the next signal was, until you got to that signal. So, if you  
20 were on a yellow --

21 Q. Yep.

22 A. -- you had to proceed like you were on a yellow --

23 Q. Yep.

24 A. -- until you got to the green. And then you could --  
25 you could operate on the green.

1 Q. That's my experience.

2 A. Okay.

3 Q. You cross -- you know, cross several different  
4 situations I've been involved and the Safety Board met.

5 A. Okay.

6 Q. You take it just like any other signal. You're  
7 delayed in the block until you're -- you know, you get to the  
8 next signal, then you're good to go from there beyond.

9 A. Okay. We may be talking about two different things.

10 Q. Okay.

11 A. Okay.

12 Q. All right. So --

13 A. Delayed in block means that you -- you cannot see the  
14 next signal. Let's say you stop at a station and you cannot  
15 see the next indication. You can't see the next signal. So  
16 you have to proceed prepared to stop and you can go no faster  
17 than 40 mph until you can see the next signal.

18 Q. Was he delayed in block?

19 A. No.

20 Q. Oh, because when he stopped at the station he could  
21 see the signal? Is that why he wasn't delayed in block?

22 A. Yes.

23 Q. Uh huh.

24 A. I know when we did the test train, I could see the  
25 signal.

1 Q. Uh huh.

2 A. And everybody else could see the signal except for  
3 the person that wasn't trained in any sort of railroad  
4 operations.

5 Q. Um-hum.

6 A. We had to get a little closer before she could pick  
7 it out.

8 Q. Um-hum.

9 A. But everybody that had some sort of railroad  
10 experience was able to pick out the signal.

11 Q. Okay. Then with -- you know, with the knowledge you  
12 just said, were you involved in either writing the rule or  
13 system -- because you're a system person.

14 A. That's correct.

15 Q. Yeah, system-type discussions about -- let me back  
16 up. The only reason for that is to advance the train at a  
17 reasonable fashion?

18 A. Yes.

19 Q. That would seem to me to be valued -- you want to do  
20 that, you want to get the train --

21 A. Yeah.

22 Q. You don't want to have unnecessary delay. You can  
23 see the signal.

24 A. Right.

25 Q. And off you go.



1 A. Right.

2 Q. Were you involved with the discussions, you know,  
3 about the thinking behind that, the philosophy behind that?

4 A. No, I'm not part of the Rules Committee.

5 Q. Yeah. As a DSLE, is that -- we're asking opinion  
6 now.

7 A. Okay.

8 Q. Your opinion. Is that what you'd like to see done?

9 A. Have me be part of that discussion?

10 Q. Yeah.

11 A. Yes.

12 Q. Yeah. And can you share what your thoughts would be  
13 about that -- during that discussion?

14 A. Regarding what particular thing?

15 Q. I tried to hit you up.

16 A. I know (laughing).

17 Q. Is it something you want to see? Does that -- is  
18 that a safe thing to have them working on that signal ahead?

19 A. Yes, I think so.

20 Q. Okay. It's just foreign to me the first I heard was  
21 when Rick was talking about it in --

22 A. Right.

23 Q. -- a little bit ago was -- and I'd heard it out there  
24 on scene because there was a lot discussion about that --

25 A. Yeah, he had a clear and so this is what he did.

1 Q. Yeah.

2 A. And that's why he operated and that didn't make sense  
3 to you.

4 Q. See, it didn't.

5 A. Right.

6 Q. It did not.

7 A. Right.

8 Q. I looked at an event recorder tape. I don't know if  
9 you've seen it yet or not.

10 A. I heard about it. I have not seen it.

11 Q. I got it next door if you want to see it before you  
12 leave.

13 A. Okay, I will.

14 Q. But he knocked her up to 55 and 55 shows on the  
15 point --

16 I don't know if you guys have seen it. You're all  
17 welcome to before you leave.

18 He got her up to 55, got closer to that speed board,  
19 took a bite, he got it down to about 42-43, kicked them off.  
20 And then he went into that --

21 A. He ran into the curve.

22 Q. Yeah. And Ted and I, he is a road foreman and I was  
23 an old trainmaster, and it looked like he was running on a  
24 clear.

25 A. Yeah.

1 Q. For whatever he got, doesn't make any difference,  
2 but --

3 A. Right.

4 Q. -- the train handling looked like he was running on  
5 clear and I did -- still didn't understand.

6 A. That's the thing that's really disturbing to me.

7 Q. Yeah. I still didn't understand that 55. And so  
8 Rick was explaining to us --

9 A. Right.

10 Q. -- and I thought he had come in on a hard yellow --

11 A. Right, that he shouldn't go fast --

12 Q. -- and that he should go 40.

13 A. -- faster than 40 --

14 Q. Right.

15 A. -- and he couldn't proceed until he got to the next  
16 signal.

17 Q. That's what I thought, yeah.

18 A. Right.

19 Q. Obviously, it's wrong. All right. Now I understand.  
20 I'm not sure I agree, I'll tell you my opinion.

21 A. All right.

22 Q. Understand, may not agree. All right.

23 We talked a whole ton about cell phones and that's on  
24 every website and every newspaper in the world.

25 A. I understand that everybody's watching that.

1 Q. How about distractions in general? Set cell phones  
2 aside, I've had other types of distractions up there in the  
3 cab. First off, is your rule written specifically about cell  
4 phones or electronic communications or --

5 A. The interesting thing about it, I thought -- I  
6 thought that the -- I mean, we covered -- I thought we covered  
7 more territory than was already required by rule.

8 The General Code requires that, you know, they can't  
9 be reading, you know, sleeping, they can't have any electronic  
10 devices, you know, which used to mean, you know, like little  
11 TV's and --

12 Q. Radios.

13 A. Radios, GameBoy, or whatever, you know, like when  
14 they're operating, they're not supposed to be doing any of that  
15 stuff. And if they're in siding and they're supposed to be  
16 waiting for another train, you know, they're supposed to be  
17 watching what they're doing.

18 Q. Um-hum.

19 A. So, to have something that's specific for that  
20 particular electronic device, I thought was -- I mean, I  
21 thought that was already covered, but maybe to say it again  
22 might -- maybe people will go, oh, okay, well, you know, I  
23 didn't realize that that would be part of the thing.

24 Q. Um-hum. And there's some question if you focus on  
25 this, do you lose focus on some of the other things that we've

1 all had experiences with, guys being distracted with GameBoys  
2 or whatever.

3 The question would be, have you had or taken  
4 exceptions or efficiency tests with -- with distractions in  
5 general? In general, other distractions?

6 A. I can't remember that I have.

7 Q. Talking with your colleagues, the guys, do you have a  
8 staff, a road foreman, that work for you?

9 A. No, I don't. We're -- what we do is we have a  
10 cooperative effort. The -- you know, I try to help out the  
11 other managers, you know, if they need somebody ridden with or  
12 something like that, but we're all basically on the same level.  
13 I don't really have a staff of people that work for me.

14 Q. Okay. In talking with those other managers, you  
15 know, before this accident -- I'm sure there's a ton of talk  
16 now. But before the accident, had there been discussions about  
17 distractions and what's going on in the control cab?

18 A. Regarding cell phones or other things?

19 Q. Any -- just any kind of a distraction, cell phones or  
20 any kind of a gizmo, or whatever they're doing up there than  
21 what you want them to do.

22 A. I can't recall any specific talk about anything that,  
23 you know, people were saying, yeah, this is taking away my  
24 attention from what I'm supposed to do.

25 Q. Wasn't a high nail?

1 A. Didn't see it.

2 Q. Yeah.

3 A. You know, didn't -- it wasn't brought to my attention  
4 as far as I know.

5 Q. Yeah. Only about these two people on this accident  
6 train just in general?

7 A. There may've been a couple of people that we thought  
8 were using their cell phones, but when we would go to  
9 investigate, we could never -- we would never catch them doing  
10 it. You know, but we had an idea that, you know, they were  
11 involved in stuff like that, we just could never catch them.

12 And what I'd heard from the other employees was that  
13 subsequent to this is that -- I don't know if they didn't think  
14 it was a big deal, but they just thought that we weren't doing  
15 enough enforcement on it. I never had a -- I never had an  
16 employee come to me and say, this guy's on his phone all the  
17 time, you know, I can't even get him to talk to me or anything.

18 I mean, there were guys with specific information  
19 about anyone in particular that we thought, you know, might've  
20 been using their phone all the time. We had suspicions about a  
21 couple of guys, but were never able to nail them down. So --

22 Q. Okay. I'm going to ask opinion stuff.

23 A. Surely.

24 Q. Because you're an opinion kind of guy.

25 A. Okay.

1 Q. You're a system officer. Good notes. I don't know  
2 if you call them different things from what I call them, but  
3 crib notes so that you've got some kind of a little document  
4 that you'll handwrite out.

5 A. Um-hum.

6 Q. In this particular instance, crib notes.

7 A. Right.

8 Q. And crib notes about running and where the signal  
9 is --

10 A. Um-hum.

11 Q. -- how you control the train, when you put the brake  
12 on --

13 A. Um-hum.

14 Q. -- and those kind -- you know, those -- you know the  
15 general thing I'm talking about?

16 A. Well, I think at the outset there may be -- there may  
17 be some reliance on that, but at some point, the only thing  
18 that they would really actually use and actually have handy  
19 would be a list of the mileposts and the actual crossings. In  
20 case something happens, that's a real handy thing to have, you  
21 know.

22 Q. So if you -- you swing up on a locomotive and if you  
23 see a guy sitting there and he's got a handwritten set of how-  
24 to instructions he has somewhere on the control stand, that --  
25 you know, that doesn't, you know, cause you concern?

1           A.    It depends on where the guy is.  I mean, is he  
2 just -- is he just starting his training or is he trying to  
3 learn the territory or is has he been there for like ten years?  
4 I mean, he should know all that stuff.  I mean, I think -- I  
5 think a -- I think I'd be -- I think I'd take -- not  
6 necessarily take exception to it, but I might wonder, you know,  
7 what is this guy doing?

8                    There have been sheets that some of the employees  
9 have printed out and they show the speeds and -- I don't know  
10 if you've seen any of them --

11           Q.    Sure.

12           A.    -- but some of them are real --

13           Q.    Some with signal locations.

14           A.    -- some of them -- yeah, signal locations.  I don't  
15 know how much of that guys actually use because the whole thing  
16 is -- I know how I operate the train.  I just -- I do it, you  
17 know, from memory, you know?  So I don't really need something  
18 in front of me, but I think if we hit a pedestrian or we hit a  
19 car or something like that.  I might -- there might be some --  
20 some areas where I wasn't familiar with every single crossing.

21           Q.    Yeah.  Now, the freight railroads nowadays, the  
22 conductors have those logbooks and, you know, where they'll  
23 fill out if they get anything other than a clear signal or  
24 where the detectors are all at.

25                    And the unions, you know, a lot of times will publish



1 an electronic computerized kind of thing saying on this  
2 district, here's what it is you got to look for. And they'll  
3 kind of have that out so they're looking, you get a preview of  
4 what's coming up to know what they've got to write down if  
5 there's something that's supposed to be done. I know what I'm  
6 talking about.

7           And I'll tell you, I ain't got a secret. After the  
8 engineer was removed in this accident then I was looking for  
9 some kind of electronic device. And what I did find was a  
10 Delta Dental sheet, you know, on the front where the flyers are  
11 in the markup room. Turned it over on the back and in  
12 handwritten notes all down through there was what I call crib  
13 notes, you know, where you start, where you stop, where you do  
14 what have you.

15           And it obviously had been -- it wasn't in the grip,  
16 it was back up inside the thing. It was with stuff that was  
17 loose in the control compartment. So I was kind of wondering,  
18 you know -- my understanding was he was a seasoned engineer,  
19 that he had been operating for some period of time. Is that  
20 something you'd expect? Take him aside, we won't talk about  
21 that, but in general, would you expect a seasoned engineer to  
22 be running from?

23           A. I wouldn't -- I mean, after the period of time that  
24 he'd been on that job, I don't know why he would even need  
25 something like that. I mean, are you sure it wasn't just a

1 list of where the restrictions were?

2 Q. You mean like --

3 A. I mean, I didn't see it.

4 Q. -- the slow orders?

5 A. Yeah, the slow orders and --

6 Q. No.

7 A. Okay.

8 Q. It wasn't -- and --

9 A. I can't -- I can't really explain that. I'm --

10 Q. Yeah, I'm just talking -- I'm just talking in  
11 general.

12 A. I can't really explain why he would have something  
13 like that.

14 Q. Nothing you'd expect to see from a --

15 A. I just don't know. You know, I don't know why he  
16 would ever even look at it. I mean, I wouldn't unless --  
17 unless it was an emergency and I had to know, you know, what  
18 was the last crossing? I might be unfamiliar with that exact  
19 crossing and to give the dispatcher an exact milepost so they  
20 could get somebody out there.

21 Q. All right.

22 MR. TURPIN: Okay.

23 BY MR. TURPIN:

24 Q. I'll double back just a little bit. The -- we used  
25 the term earlier, DSLE.

1 A. Yes.

2 Q. What's that stand for?

3 A. Designated Supervisor of the Locomotive Engineers.

4 Q. Okay. And they don't answer to you?

5 A. No, that's not how our command structure works.

6 Q. Okay. Who manages the actual 240 Engineer Program?

7 A. I'm not quite sure what you're asking me.

8 Q. Okay. Generally, the -- you know, if an engineer  
9 misses a check ride or they need -- they need something  
10 completed out for their cycling, you know, and certification  
11 process, who calls the DSLE and says, hey, you need to test  
12 this person? Or do they run it on their own or do they  
13 maintain that?

14 A. Well, every manager watches their -- watches their  
15 crew base --

16 Q. Um-hum.

17 A. -- and they -- they do that. But I keep a list of  
18 every certified engineer we have. Like, when was the last time  
19 somebody check rode them, who check rode them, and then I  
20 know -- based on that list, I know who needs to be done.

21 Q. Okay.

22 A. I keep the list.

23 Q. Then I would almost say that you manage them.

24 A. Yes.

25 Q. Thank you. That's good. That's good.

1 A. I didn't quite know what you were asking me.

2 Q. Rule Committee, when you made reference, is that made  
3 up at the Connex level or the Metrolink level or --

4 A. I'm not really sure how it's organized but I'm --  
5 I've never been --

6 Q. Are there members on it?

7 A. I believe -- I believe there's a group of people. I  
8 think the agency has people and I think we have people on  
9 the --

10 Q. Maybe we'll ask the next witness.

11 A. Okay.

12 Q. All right. We're going to look back at the accident,  
13 and the meet was set up for the freight train. Do you -- at  
14 Chatsworth. Do you take any exception to that that the  
15 dispatcher didn't hold the local back at CP Davis?

16 A. No, I don't take exception to that.

17 Q. Okay. Just as a general -- like Dave says, we do  
18 appreciate opinions in these things. But just as a general --  
19 anything you can think of that would improve the safety of the  
20 train operation, specific to this accident or in general?

21 A. I can't really think of anything. I've been thinking  
22 about this ever since I -- my supervisor called me about it,  
23 but I can't think of anything that I know or I think I know  
24 about the situation where I think, oh, yeah, if we did this,  
25 you know, that might improve safety. I guess -- I just

1 can't -- I just can't think of anything that we're doing.

2 Q. I went to another detail real quick. On that list of  
3 240, what's your total number of engineers?

4 A. It's 70-something engineers.

5 MR. TURPIN: All right. Okay.

6 Anybody else have questions?

7 BY MR. DESKIN:

8 Q. Bill Deskin. Mark, have you had any red signal  
9 violations in the last couple of years on the -- this system?

10 A. Yes. Well, I mean, on our system or -- our engineers  
11 have been involved but -- I have the information in the car,  
12 but I don't have it at my finger -- I don't know it  
13 specifically.

14 Q. Well, not necessarily a positive count, but just  
15 generally, what were the causes of the --

16 A. Well, I recently -- I recently went to an incident  
17 where Amtrak had gotten by the signal at College and the guy  
18 swore up and down that the last signal was flashing yellow.  
19 And the scenario was that he was closely following either a  
20 Metrolink train or another Amtrak train. And the thing that  
21 didn't make any sense to me was why wasn't he hanging back  
22 more? I mean, because he knew the guy had to stop at Anaheim,  
23 or what they now call Station or College, or whatever.

24 So, I didn't understand why he in such a rush. What  
25 happened was he come -- he comes around the corner and College

1 is red, puts it in emergency and gets by the signal. And his  
2 statement to us was that, oh, yeah, I was working on a flashing  
3 yellow. There was a camera on that locomotive and it was hard  
4 yellow.

5           So, I mean, it wasn't a situation where, you know,  
6 the guy had a flashing yellow and he -- and it was, you know,  
7 like all of a sudden there's a mystery why there's a red. So,  
8 it was --

9           There was a guy in San Diego Northern. The guy was  
10 working on a yellow and he got really focused on the green  
11 board for a restriction. And he was looking at the green flag  
12 to see when he could speed up and he didn't look up until he  
13 was real close to the red signal and got by the red signal.  
14 But it wasn't a scenario where -- where the guy thought he had  
15 some other thing. It was that he had gotten distracted by, you  
16 know, something that was going on.

17           And there was -- there was one guy who'd gotten by a  
18 couple of signals but he wasn't -- I don't believe that was on  
19 our territory. It was on -- I believe it was on the BNSF.

20           Q. Here again back into the opinion section, do you  
21 think that the -- or do you find that passenger engineers are  
22 more aggressive in their running habits than freight engineers?

23           A. I think -- I think by their nature they are  
24 because -- because of the nature of the equipment. There's  
25 certain things that you can do with passenger equipment.

1 There's just no earthly way that -- you just don't want to  
2 put -- you don't want to put a freight train in that type of  
3 situation. You want to do it -- and I was trained to do both  
4 things and you want to do the freight thing -- you want to do  
5 it -- you want every application of power or breaking. You  
6 want to do it in a slow manner so it, you know, can get all the  
7 way through the train.

8           So -- but passenger engineers there's literally no  
9 slack. I mean, it's just something that can go bang, bang,  
10 bang.

11           Q. And getting back to one of Ted's questions about  
12 making thing a little safer out there, do you think it would  
13 be -- or it would behoove the powers that be to put two people  
14 on a locomotive or two people in the cab car to observe?

15           A. That's kind of interesting because we had a little  
16 discussion about this yesterday. And I really don't know if it  
17 would help. I can't say that it wouldn't but I can't say that  
18 it would. I know that some guys like to be up there by  
19 themselves. And some guys, I -- you know, it might be -- it  
20 might be valuable to have another guy up there.

21           I just don't see that -- I just don't see that as a  
22 solution to this. I just don't. You know, off the top of my  
23 head, I just don't see how there's having another set of eyes  
24 up there, I mean, because this particular case, I mean -- you  
25 know, the conductor saw the signal from the platform, so if

1 he's on the head end and he's telling the engineer the same  
2 thing and they're saying, yeah, we're in agreement. That's  
3 what I see. I don't -- I mean, just take this particular case,  
4 I mean, it wouldn't -- it wouldn't have changed anything.

5 Q. Okay.

6 A. I don't think.

7 Q. That's all I've got.

8 MR. DAWSON: One thing came up.

9 BY MR. DAWSON:

10 Q. You -- you said that you could see that signal from  
11 the cab. You were talking, you were at the station on --

12 A. That's correct.

13 Q. -- on that test train?

14 A. Yes.

15 Q. Could you see that signal regardless of the color?  
16 Could you see a red, a yellow, a flashing yellow, and a green  
17 signal from that --

18 A. We didn't --

19 Q. -- from that location?

20 A. We didn't really go -- there wasn't a change of  
21 color. I mean, it was --

22 Q. What color did you see?

23 A. Red.

24 Q. And you could see red from the --

25 A. Yes.



1 MR. DAWSON: Thank you.

2 BY MR. WATSON:

3 Q. Something came up. It's just what happens, you know  
4 the red signal that Bill talked about --

5 A. Yes.

6 Q. That's a 240 type of de-certifiable thing?

7 A. That's correct.

8 Q. Yeah, you don't have any choice about that. And --

9 A. No, that's a law thing.

10 Q. Yeah. And did that happen in this instance that you  
11 described?

12 A. Yes.

13 Q. Okay. And I think there's these -- in the  
14 vernacular, they talk about the seven deadly sins.

15 A. That's correct.

16 Q. The, the seven things that you can --

17 A. Right, the things you're never supposed to do.

18 Q. And did the group that you oversee, whatever you call  
19 that, 70 folks --

20 A. Um-hum.

21 Q. -- have you had -- what's the history there since  
22 you've been -- the de-certifiable history?

23 A. You mean, how many de-certs have we had?

24 Q. Yeah. Form B or whatever the instance was.

25 A. I have the list but I just -- I can't recall them all

1 from memory.

2 Q. Generally?

3 A. Generally, I'd say seven.

4 Q. In how long?

5 A. The period of time that I've been a manager there.

6 MR. WATSON: We can probably get that from the FRA  
7 too, what's officially -- what's officially been done. You  
8 know, that's all I have.

9 MR. TURPIN: And it always starts one other and  
10 cascades down, you know?

11 BY MR. TURPIN:

12 Q. I just want to verify. Of those seven or eight, or  
13 whatever you have that were de-certs, none of those were for  
14 red signal, as you can recall?

15 A. I know that -- let's see, one, two, three, four --  
16 four of ours were red signal violations.

17 Q. Okay, and that's from what time span, you said?

18 A. I would say that that would be from the time I took  
19 over in 2002 until this year.

20 Q. So almost eight years, we're talking seven to eight.

21 A. Well, obviously, this -- depending on how you look at  
22 this particular thing, so --

23 Q. Okay. A significant of that would be if there were  
24 failure during efficiency testing on reds. Has that ever  
25 happened on those?

1           A.    Not to my knowledge, no.

2           Q.    I think that's all I have.  Anybody else?  Very good.

3  We're done.

4           A.    All right.

5                   MR. TURPIN:  Thank you very much.

6                   (Whereupon, the interview in the above-entitled  
7  matter was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the  
NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF:           METROLINK TRAIN NO. 111  
                                  COLLISION WITH UNION PACIFIC  
                                  RAILROAD LEESDALE LOCAL,  
                                  September 12, 2008,  
                                  Los Angeles, California  
                                  Interview of Mark Challed

DOCKET NUMBER:           DCA-08-MR-009

PLACE:                    Gardena, California

DATE:                     September 25, 2008

was held in accordance with the record, and that this is the  
original, true and accurate transcript which has been compared  
to the recording accomplished at the interviews.

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John Sullivan  
Court Reporter